IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.4258 OF 2006

Shri.Pakyara Ashraf Alias
Mohammad Ashraf Abdul Rehman .. Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri.Jahangir Khajotia for the applicant.
Shri.S.S.Pednekar, A.P.P. for the State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 8TH DECEMBER, 2006

P.C.:

1. The applicant has been arrested in connection with C.R.No.276 of 2006. The arrest has been effected on 28th July, 2006 in connection with the offences of forgery and cheating. The applicant was travelling from Lohgaon

(Pune) to Dubai. It is alleged that due to duplicate passport, the applicant and other accused were sent back from Pune to Dubai. However, they made a duplicate passport. The offence, according to the prosecution of preparing bogus passports and travelling to Dubai is serious enough and does not warrnat bail even if the chargesheet is filed. More so, when the applicant is a permanent resident of Kerala State and would not be available for trial.

2. After perusing the application and the annexures thereto so also taking into account the fact that the investigations are completed and chargesheet is filed with stringent conditions being imposed, this application may be granted. Hence, the following order : -

ORDER :

(i) The applicant Pakyara Ashraf alias Mohammad Ashraf Abdul Rehman arrested in connection with C.R.No.276 of 2006 registered with Yerawada Police Station, Pune shall be enlarged on bail in the sum of Rs.20,000/= with one or two

local sureties in the like sum;

(ii) The applicant shall report to Yerawada Police Station once in a fortnight till the trial is concluded. The applicant shall not leave India without prior permission of the Trial Court.

(iv) The applicant shall furnish his address to the Investigating Officer where he propose to reside after bail and during pendency of the trial. The applicant shall not change his residence without prior intimation to the Investigation Agency;

(v) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence;

(vi) The applicant shall cooperate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail;

(vii) Any observation/s made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(viii) Application is disposed of in above terms.

(S.C.Dharmadhikari, J.)